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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

Report of the Secretary-General submitted in accordance with paragraph 24 of Commission on Human Rights resolution 1996/64

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Introduction

1. In its resolution 1996/64 of 23 April 1996 entitled "Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region", the Commission on Human Rights reaffirmed that regional arrangements played a fundamental role in promoting and protecting human rights and that they should reinforce universal human rights standards, as contained in international human rights instruments.

2. The Commission welcomed the regional workshops on various human rights issues which had been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994, and the workshop held in Kathmandu from 26 to 28 February 1996.

3. The Commission endorsed the conclusions of the Kathmandu workshop, including the recognition of the importance of a step-by-step process towards the establishment of a regional arrangement for the promotion and protection of human rights in the Asian and Pacific region. The Commission also took note of the conclusions of that workshop, which stated, inter alia, that while the experiences of other regions would continue to be carefully examined, it was clear that any regional arrangements for the Asian and Pacific region would need to be based on the needs, priorities and conditions prevailing in the region.

4. The Commission encouraged all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights. The Commission requested the Secretary-General to establish an open-ended team to ensure the effective preparation of the next workshop and to facilitate the development of regional arrangements.

5. The Secretary-General was also requested to give adequate attention to the countries in the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights.

6. The Commission encouraged States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights. It also encouraged all States in the region to consider ratifying and acceding to international human rights instruments adopted within the framework of the United Nations system, with the aim of universal acceptance. It further encouraged all States and regional and subregional organizations to develop programmes for human rights education in the Asian and Pacific region.

7. The Commission requested the Secretary-General to submit to the Commission at its fifty-third session a further report incorporating information on the progress achieved in the implementation of resolution 1996/64. The present report is submitted in accordance with that request.

I. FIFTH WORKSHOP ON REGIONAL ARRANGEMENTS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION

A. Mandate and justification for holding the workshop

8 The United Nations has been promoting the role of regional arrangements for the promotion and protection of human rights throughout the years. The General Assembly and the Commission on Human Rights have adopted numerous resolutions in this regard. The World Conference on Human Rights reaffirmed the fundamental role which regional and subregional arrangements could play in promoting and protecting human rights.

9. The Asian and Pacific region is the only United Nations defined region without a specific human rights treaty and without some form of region-wide mechanism directed towards the protection and promotion of human rights. The "Bangkok Declaration", adopted by Asian States in April 1993 in the context of preparations for the World Conference on Human Rights, reiterated "the need to explore the possibilities of establishing regional arrangements for the promotion and protection of human rights in Asia". The Secretary-General has been requested repeatedly by the General Assembly and the Commission on Human Rights to provide necessary assistance, through the High Commissioner/Centre for Human Rights, to the Governments in the region for the establishment of such regional arrangements.

10. Pursuant to relevant resolutions of the General Assembly and the Commission on Human Rights on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, the High Commissioner/Centre for Human Rights, within the framework of the programme of technical cooperation in the field of human rights, organized a seminar and four workshops for the Asian and Pacific region, in cooperation with the host Governments, in Colombo in 1982, in Manila in 1990, in Jakarta in 1993, in Seoul in 1994 and in Kathmandu in 1996.

11. With the holding of the meetings mentioned above, a positive process has been established within the Asian and Pacific region. In particular, the 1994 Seoul workshop resulted in efforts to hold the workshop annually. The Kathmandu workshop proved to be a crucial turning point when, for the first time in the series of meetings, it focused on regional arrangements, explored available options, identified specific steps as building-blocks, and concluded with a clear consensus in the form of agreed workshop conclusions.

12. It was in this context that the fifth workshop was organized in Amman, Jordan, from 5 to 7 January 1997, within the framework of the United Nations programme of technical cooperation in the field of human rights and pursuant to Commission resolution 1996/64.

13. The long-term objective of the workshop was to ensure the promotion and protection of human rights in the Asian and Pacific region through the establishment of an effective regional human rights mechanism. The immediate objective was to bring the United Nations facilitated process of establishing

regional human rights arrangements in the Asian and Pacific region into a concrete stage, where agreement was to be reached on a regional cooperation programme on identified areas.

B. Meetings of the open-ended team for the preparation of the workshop

14. As requested by the Commission in resolution 1996/64, in accordance with the conclusions of the Kathmandu workshop, an open-ended working team was formed to ensure the effective preparation of the workshop and to facilitate the development of a regional arrangement. This open-ended team includes, as core members, representatives of all the workshop hosts, the Philippines, Indonesia, the Republic of Korea, Nepal and Jordan, and any other interested Governments from the region, as well as the United Nations High Commissioner/Centre for Human Rights.

15. The open-ended team held four meetings in Geneva and discussed a variety of issues, including the participation of national human rights institutions and non-governmental organizations, and agreed upon a provisional workshop programme and draft rules of procedure for the workshop.

C. Participation

16. The Amman workshop enjoyed the widest participation in the series. The Governments of the following 31 countries were represented: Australia, Bangladesh, Bahrain, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Jordan, Kuwait, Lebanon, Malaysia, Mongolia, Myanmar, Nepal, New Zealand, Oman, Pakistan, Philippines, Republic of Korea, Samoa, Saudi Arabia, Singapore, Sri Lanka, Thailand, Yemen. The Palestine National Authority was also represented at the workshop. Representatives of national human rights commissions, as well as of both local and regional non-governmental organizations participated in the workshop. In particular, the Asia-Pacific Forum of National Human Rights Institutions and the Asia-Pacific NGO Human Rights Facilitating Team participated in the workshop, representing, respectively, national human rights commissions and non-governmental organizations in the region.

17. The workshop was opened with statements made by the Chief of the Royal Court of Jordan, on behalf of His Highness the Crown Prince, and by the Special Adviser on National Institutions, Regional Arrangements and Preventive Strategies to the United Nations High Commissioner for Human Rights.

D. Workshop conclusions

18. For the second time in the series of workshops, the Amman workshop arrived at agreed conclusions, building on the momentum initiated since Kathmandu. The text of these conclusions is annexed to the present report.

19. The following are two key new issues agreed upon at the Amman workshop to enhance the step-by-step process:

(a) The development of a regional technical cooperation programme for the purpose of strengthening national and regional human rights capacities through the sharing of expertise, experiences and best practices;

(b) A process for designing the regional programme and future preparatory work in the area of developing a regional arrangement through the establishment of a working group.

II. THE UNITED NATIONS PROGRAMME OF TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION

20. The Secretary-General continues to pay particular attention to ensuring that the countries of the Asian and Pacific region benefit from all the activities under the programme of technical cooperation in the field of human rights, funded either through the regular budget or the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

A. United Nations human rights fellowship programme

21. In 1996, a number of fellowships were awarded to representatives of the Governments of the following countries in the Asian and Pacific region: Bhutan, Cambodia, the Democratic People's Republic of Korea, India, Jordan, Malaysia, Pakistan, the Philippines.

B. Technical cooperation with recipient countries in the Asian and Pacific region

22. Further to respective requests from the Government of Viet Nam and the Government of the Philippines, a needs assessment mission on juvenile justice was fielded to Viet Nam in March 1996 and to the Philippines in July 1996. Thus, two new projects on strengthening juvenile justice are being initiated, adding to the increasing number of technical cooperation projects which the United Nations High Commissioner/Centre for Human Rights is developing with Governments in the Asian and Pacific region.

23. During 1996, a large number of activities were carried out within the framework of the technical cooperation programme in Cambodia, Mongolia, Nepal, and Papua New Guinea. Within the framework of the two-year technical cooperation project with the Palestine National Authority, a technical cooperation project team was deployed to Gaza for the implementation of the project. The project focuses on strengthening the rule of law through the facilitation of adequate functional and human rights capacities in the judicial, prosecutorial, police, and prison services. In addition, a technical cooperation project has been developed in partnership with the Government of Bhutan. Most of the project activities for Bhutan are to be implemented during 1997. At the request of the Government of Kuwait, a comprehensive needs assessment mission was conducted in that country in March 1996.

24. The attention of the Commission is drawn to the report of the Secretary-General on advisory services in the field of human right, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1997/86), which contains detailed information regarding the activities undertaken in 1996 in the context of the United Nations programme of technical cooperation in the field of human rights.

III. ACTIVITIES OF NON-GOVERNMENTAL ORGANIZATIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION

25. More than 100 delegates from 28 countries representing national and regional NGOs in the Asian and Pacific region attended the Asia-Pacific Human Rights NGO Congress held in New Delhi, India from 6 to 8 December 1996. The Congress was the third such gathering of human rights organizations in the region and the second since the 1993 World Conference on Human Rights.

26. Regional human rights arrangements was one of the issues which the meeting addressed and on which it made concrete recommendations. These recommendations, regarding the principles for a regional human rights mechanism, were stated by a NGO representative at the Amman workshop. The principles include the non-permission of any limitations of rights contained in, or of derogations from, existing international human rights norms and standards, and respect for the universality, indivisibility and non-selectivity of human rights.

IV. STATUS OF ADHERENCE BY STATES IN THE ASIAN AND PACIFIC REGION TO THE PRINCIPAL INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

27. The following listing of Member States in the Asian and Pacific region shows which of those States are a party (indicated by the year of entry into force or, for the Migrant Workers' Convention, the year of acceptance) or signatory (indicated by an "s") to the various United Nations human rights instruments, as at 1 November 1996.

State	International Covenant on Economic, Social and Cultural Rights	International Covenant on Civil and Political Rights	Optional Protocol to the International Covenant on Civil and Political Rights	Second Optional Protocol to the International Covenant on Civil and Political Rights a/	International Convention on the Elimination of All Forms of Racial Discrimination	Convention on the Elimination of All Forms of Discrimination against Women	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention on the Rights of the Child	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
Afghanistan	1983	1983	-	-	1983 s	-	1987	1994	-
Australia	1976	1980	1991	1990	1975*	1983	1989*	1991	-
Bahrain	-	-	-	-	1990	-	-	1992	-
Bangladesh	-	-	-	-	1979	1984	-	1990	-
Bhutan	-	-	-	-	s	1981	-	1990	-
Brunei Darussalam	-	-	-	-	-	-	-	1995	-
Cambodia	1992	1992	-	-	1983	1992	1992	1992	-
China	-	-	-	-	1982	1981	1988	1992	-
Cyprus	1976	1976	1992	-	1969*	1985	1991*	1991	-
Democratic People's Republic of Korea	1981	1981	-	-	-	-	-	1990	-
Fiji	-	-	-	-	1973	1995	-	1993	-
India	1979	1979	-	-	1969	1993	-	1993	-
Indonesia	-	-	-	-	-	1984	s	1990	-
Iran (Islamic Rep. of)	1976	1976	-	-	1969	-	-	1994	-
Iraq	1976	1976	-	-	1970	1986	-	1994	-

* Indicates that the State party has recognized the competence to receive and process individual communications of the Committee on the Elimination of Racial Discrimination under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (a total of 23 States parties) or of the Committee against Torture (a total of 38 States parties).

a/ Aiming at the abolition of the death penalty.

State	International Covenant on Economic, Social and Cultural Rights	International Covenant on Civil and Political Rights	Optional Protocol to the International Covenant on Civil and Political Rights	Second Optional Protocol to the International Covenant on Civil and Political Rights a/	International Convention on the Elimination of All Forms of Racial Discrimination	Convention on the Elimination of All Forms of Discrimination against Women	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention on the Rights of the Child	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
Japan	1979	1979	-	-	1995	1985	-	1994	-
Jordan	1976	1976	-	-	1974	1992	1991	1991	-
Kuwait	1996	1996	-	-	1969	1994	1996	1991	-
Lao People's Dem. Rep.	-	-	-	-	1974	1981	-	1991	-
Lebanon	1976	1976	-	-	1971	-	-	1991	-
Malaysia	-	-	-	-	-	1995	-	1995	-
Maldives	-	-	-	-	1984	1993	-	1991	-
Marshall Islands	-	-	-	-	-	-	-	1993	-
Mongolia	1976	1976	1991	-	1969	1981	-	1990	-
Myanmar	-	-	-	-	-	-	-	1991	-
Nepal	1991	1991	1991	-	1971	1991	1991	1990	-
New Zealand	1979	1979	1989	1990	1972	1985	1990*	1993	-
Oman	-	-	-	-	-	-	-	-	-
Pakistan	-	-	-	-	1969	1996	-	1990	-
Palau	-	-	-	-	-	-	-	1995	-
Papua New Guinea	-	-	-	-	1982	1995	-	1993	-
Philippines	1976	1987	1989	-	1969	1981	1987	1990	1995
Qatar	-	-	-	-	1976	-	-	1995	-
Republic of Korea	1990	1990	1990	-	1979	1985	1995	1991	-

State	International Covenant on Economic, Social and Cultural Rights	International Covenant on Civil and Political Rights	Optional Protocol to the International Covenant on Civil and Political Rights	Second Optional Protocol to the International Covenant on Civil and Political Rights a/	International Convention on the Elimination of All Forms of Racial Discrimination	Convention on the Elimination of All Forms of Discrimination against Women	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention on the Rights of the Child	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
Samoa	-	-	-	-	-	1992	-	1994	-
Saudi Arabia	-	-	-	-	-	-	-	1996	-
Solomon Islands	1982	-	-	-	1982	-	-	1995	-
Sri Lanka	1980	1980	-	-	1982	1981	1994	1991	1996
Syrian Arab Republic	1976	1976	-	-	1969	-	-	1993	-
Thailand	-	1997	-	-	-	1985	-	1992	-
United Arab Emirates	-	-	-	-	1974	-	-	-	-
Vanuatu	-	-	-	-	-	1995	-	1993	-
Viet Nam	1982	1982	-	-	1982	1982	-	1990	-
Yemen	1987	1987	-	-	1989	1984	1991	1991	-
TOTAL NUMBER OF STATES PARTIES	135	136	89	29	148	154	100	187	7
	CESCR	CCPR	OPT	OPT2	CERD	CEDAW	CAT	CRC	MWC

Annex

CONCLUSIONS OF THE FIFTH WORKSHOP ON REGIONAL ARRANGEMENTS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION

(AMMAN, 5-7 JANUARY 1997)

1. The Amman Workshop reaffirms the common principles for the establishment of regional arrangements in the Asian and Pacific region adopted at the Kathmandu workshop (1996) and reiterates that any such arrangement must emerge from and be directed to the needs and priorities set by Governments of the region, with roles, functions, tasks, outcomes and achievements determined by consensus by Governments of the region. The Amman Workshop also endorses the "step-by-step", "building-block" approach adopted at the Kathmandu workshop, which also recognized that, given the cultural and religious diversity, such a process would require extensive consultation among Governments of the region.

2. Ratification of international human rights instruments is crucial in the initial phase of this process. This initial phase must involve the development and strengthening of national human rights capacities for the promotion and protection of human rights. The Workshop, noting the large number of initiatives to develop national human rights institutions and national plans of action within the region, stresses the value and need to share these experiences and expertise at a regional level.

3. The Workshop urges the Governments in the Asian and Pacific region to encourage the creation of independent national human rights institutions. The Workshop notes the creation, since the Kathmandu workshop, of the Asia-Pacific Forum of National Human Rights Institutions, fully supports the development of the Forum and recommends that the Forum be open to all independent and autonomous national institutions in the region.

4. The Amman Workshop recognizes the important role of national human rights institutions and that of the civil society, including NGOs, in various steps of the step-by-step process towards regional arrangements: enhancing national human rights capacities and the implementation of regional cooperation activities; and welcomes their continued participation in the process of the development of regional arrangements.

5. The Amman Workshop reaffirms that all human rights, civil and political, economic, social and cultural, including the right to self-determination of people under colonial or alien domination or foreign occupation, as well as the right of return, are universal, interdependent and indivisible and are legal rights stricto sensu.

6. The Amman Workshop reiterates the right to development as a universal and inalienable right and an integral part of fundamental human rights. The Workshop calls upon States to refrain from any unilateral measures not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of the human rights set forth in the Universal Declaration of Human Rights and in international human rights instruments, in particular the

rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services. The Workshop affirms that food should not be used as a tool for political pressure. The Workshop urges the United Nations human rights mechanisms to continue to take note of the human rights impact of such measures, especially on vulnerable groups, children and women, with a view to further promoting and protecting the human rights of such groups.

7. The Amman Workshop reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues.

8. The Amman Workshop recognizes the importance of United Nations technical cooperation activities in the field of human rights in accordance with needs and priorities of Member States and reiterates that such technical cooperation should not be amalgamated with United Nations human rights monitoring activities.

9. The Amman Workshop recognizes that the process of establishing a regional arrangement would have to be initiated on a step-by-step basis, with the sharing of information, the building up of national capacities and the establishment of confidence-building measures.

10. The Workshop strongly recommends that a regional technical cooperation programme be designed and implemented as a matter of urgent priority in partnership with the Centre for Human Rights of the United Nations, under its technical cooperation programme, with a view to facilitating the sharing of experience, expertise and best practices within the region to further enhance national and regional human rights capacities.

11. The Workshop decides that a working group comprised of representatives of Governments of the region follow up on the Amman agreed conclusions, in consultation with the Centre for Human Rights, national human rights institutions and NGOs, and design a regional cooperation programme focusing, inter alia, on strengthening the role of national human rights institutions in promoting the progressive realization of economic, social and cultural rights; realizing the right to development; developing methodologies for effective implementation of human rights education; elaborating guidelines for national action plans in the field of human rights; and developing strategies for cooperation on common shared problems.

12. The above programme will be implemented by drawing upon the expertise within the region to the fullest extent.

13. The Workshop urges the Governments of the region to support this regional technical cooperation programme and contribute to its realization.

14. The Workshop urges the Secretary-General of the United Nations and the United Nations Development Programme to support this important regional technical cooperation initiative and to provide resources for its implementation.